

REMARKS

Claims 22-93 are pending in the Application, and all have been rejected in the Office action mailed July 16, 2009. No claims are amended by this response. Claims 22, 32, 42, 50, 58, 68, 78, and 86 are independent claims, while claims 23-31, 33-41, 43-49, 51-57, 59-67, 69-77, 79-85, and 87-93 depend from claims 22, 32, 42, 50, 58, 68, 78, and 86, respectively. Applicants respectfully request reconsideration of claims 22-93, in light of the following remarks.

The Applicants note that a stated goal of patent examination is to provide a prompt and complete examination of a patent application. See M.P.E.P. §2106(II). Applicants therefore assume, based on the goals of patent examination set forth by the Office, that the current Office Action sets forth "all reasons and bases" for rejecting the claims.

Applicants again respectfully note that no claims are amended by this response. Therefore, no new issues are raised that would necessitate a new search.

Rejections of Claims

Claims 22-93 were provisionally rejected on the ground of non-statutory, obviousness-type double patenting as being unpatentable over claims 22-150 of U.S. Patent Application No. 10/782,888.

Applicants do not agree with the Examiner's rejection, but nevertheless are submitting a Terminal Disclaimer in compliance with 37 C.F.R. 1.321(c), disclaiming the terminal part of any patent that issues from this application that extends beyond the expiration date of any patent that issues from commonly owned U.S. Patent Application No. 10/782,888, to obviate the double patenting rejection. Applicants respectfully submit that the obviousness-type double patenting rejection is overcome.

Conclusion

In general, the Office Action makes various statements regarding the claims and the cited references that are now moot in light of the above. Thus, Applicants will not address such statements at the present time. However, Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

Applicants believe that all of pending claims 22-93 are in condition for allowance.

The Commissioner is hereby authorized to charge any fees required by this submission, or to credit any overpayments to the Deposit Account of McAndrews, Held & Malloy, Ltd., Deposit Account No. 13-0017

Should the Examiner disagree or have any questions regarding this submission, the Applicants invite the Examiner to telephone the undersigned at (312) 775-8000.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

Date: August 5, 2009
McAndrews, Held & Malloy, Ltd.
500 West Madison Street, 34th Floor
Chicago, Illinois 60661
(312) 775-8000

By: /Kevin E. Borg/
Kevin E. Borg
Reg. No. 51,486